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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

NATHAN RIVERO,

Judgment Debtor,

and

GREENCARE DESIGNS LLC, and its  
Successors or Assigns,  
Garnishee.

Case No.: 2:06-cr-00210-LDG-VCF

**MOTION FOR ENTRY OF A FINAL  
ORDER OF GARNISHMENT**

The Plaintiff, the United States of America, by counsel, NICHOLAS A. TRUTANICH, United States Attorney for the District of Nevada, and SUMMER A. JOHNSON, Assistant United States Attorney, respectfully moves the Court to enter the Final Order of Continuing Garnishment in this matter pursuant to Section 3205 of the Federal Debt Collection Procedures Act of 1990, 28 U.S.C. § 3205(c)(7). In support of this motion, the United States claims:

1. This Court entered judgment against NATHAN RIVERO on December 15, 2008 (ECF No. 965), and the outstanding balance as of February 19, 2021 is \$120,559.88.

2. The amount owing is a debt to the United States as defined in the Federal

1 Collection Procedures Act of 1990 (“FDCPA”), 28 U.S.C. § 3301-3308. See 28 U.S.C. §  
2 3002(3)(B).

3 3. An Application for Writ of Continuing Garnishment was filed by the United  
4 States on January 13, 2021 (ECF No. 1273), and a Writ of Continuing Garnishment directed  
5 to Garnishee was duly issued. (ECF No. 1274). The Garnishee was served the Writ of  
6 Continuing Garnishment on January 15, 2021. (ECF No. 1275).

7 4. Pursuant to the Writ of Continuing Garnishment, the Garnishee filed an  
8 Answer stating that at the time of the service of the Writ it had in its possession, custody, or  
9 control personal property belonging to and due the Judgment Debtor in the form of wages  
10 in the amount of \$1,229.90 per week. (ECF No. 1275).

11 5. The Judgment Debtor was served by FedEx, a copy of the Writ of Continuing  
12 Garnishment and Notified of their right to a hearing. The Judgment Debtor has not  
13 requested a hearing to determine exempt property.

14 6. The FDCPA, 28 U.S.C. § 3205(a) *et seq.*, permits a court to garnish up to  
15 twenty-five percent of nonexempt disposable earnings. See 28 U.S.C. § 3002(9).

16 7. All conditions to the issuance of a final order in continuing garnishment  
17 against the nonexempt earnings of the Judgment Debtor are fully satisfied, and the entry of  
18 the Final Order in Continuing Garnishment is appropriate. See 28 U.S.C. § 3205(c)(7)  
19 (“After the garnishee files an Answer and if no hearing is requested within the required time  
20 period, the Court shall promptly enter an Order directing the garnishee as the to the  
21 disposition of the Judgment Debtor’s nonexempt interest in such property.”)

22 Respectfully submitted,

23 NICHOLAS A. TRUTANICH  
24 United States Attorney

25 /s/ Summer A. Johnson  
26 SUMMER A. JOHNSON  
27 Assistant United States Attorney  
28

CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2021, I served all of the parties in this case the United States' Motion for Final Order of Garnishment by CM/ECF and by first class mail, postage prepaid, as follows:

Garnishee:

Greencare Designs LLC  
6807 W. Gary Ave  
Las Vegas, NV 89139

Judgment Debtor:

9809 White Lilac Street  
Las Vegas, NV 89178

/s/ Summer A. Johnson  
SUMMER A. JOHNSON  
Assistant United States Attorney

NICHOLAS A. TRUTANICH  
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District of Nevada  
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Judgment Creditor,  
  
v.

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**FINAL ORDER OF GARNISHMENT**

This matter is before the Court for consideration of the entry of a final order in garnishment pursuant to Section 3205 of the Federal Debt Collections Procedures Act of 1990, 28 U.S.C. § 3205, against the non-exempt earnings of the Judgment Debtor, NATHAN RIVERO.

The United States filed an Application for Writ of Garnishment seeking any nonexempt property belonging to or owed the Judgment Debtor by Greencare Designs LLC, its Successors or Assigns ("Garnishee"). A Writ of Garnishment was properly served on Garnishee, which filed an Answer stating that it had in its possession, custody or control, personal property belonging to and due the Judgment Debtor in the form of wages in the

1 amount of \$1,229.90 per week.

2 The Judgment Debtor was served with the Writ of Garnishment and notified of their  
3 right to claim an exemption or request a hearing. The Judgment Debtor did not request a  
4 hearing to determine exempt property.

5 Having considered the Application, Garnishee's Answer and noting that the  
6 Judgment Debtor has not exercised their right to request a hearing, the Court GRANTS the  
7 United States' Motion for Final Order of Garnishment and orders as follows:

8 IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Garnishee  
9 is hereby ordered to pay into the hands of the Clerk, U.S. District Court, at least monthly,  
10 the lesser of:

- 11 1. Twenty-five percent (25%) of Judgment Debtor's disposable earnings; or
- 12 2. All amounts of Judgment Debtor's disposable earnings in excess of 30 times the  
13 federal minimum hourly wage. See 15 U.S.C. § 1673(a)

14 To calculate disposable earnings, subtract the following from wages, commissions,  
15 income:

- 16 1. Federal Income Tax; and
- 17 2. Federal Social Security Tax; and
- 18 3. Other state and local income taxes (if any).

19 IT IS FURTHER ORDERED, ADJUDGED and DECREED that all monies  
20 previously held by the Garnishee in accordance with the Writ of Garnishment shall  
21 immediately be paid to the United States.

22 IT IS FURTHER ORDERED, ADJUDGED and DECREED that these sums are to  
23 be applied to the Judgment rendered in the matter in the sum of \$142,383.00, upon which  
24 there is an unpaid balance of \$120,559.88 due, as of February 19, 2021. These deductions  
25 are to continue until the total amount due, plus accruing interest, is fully paid and satisfied.

26 Checks should be made payable to:

27 Clerk of the Court, U.S. District Court

28 Mailed to:

1 Clerk of the Court, U.S. District Court  
2 333 Las Vegas Boulevard South, Suite 1334  
3 Las Vegas, NV 89101

4 And bearing Judgment Debtor's name and case number:

5 2:06-cr-00210-LDG-VCF

6 Dated: 3-10-2021



7 UNITED STATES MAGISTRATE JUDGE